

Remarks:

Reconsideration of the application is requested.

Claims 6, 8, 9, 10-12, and 14-25 are now in the application. Claims 6, 8, 9, 10-12, and 14 have been amended. A marked-up version of the claims is attached hereto on separate pages. Claims 1-5, 7, 9, and 13 have been cancelled. Claims 15-19 have been withdrawn from consideration. Claims 20-25 have been added.

In item 4 on page 2 of the above-identified Office action, claims 2-5 have been rejected as being indefinite under 35 U.S.C. § 112.

More specifically, the Examiner has stated that claims 2-5 recite the limitation "said drive motor". The Examiner stated that there is insufficient antecedent basis for this limitation in the claim.

The Examiner stated that claim 5 also recites the limitation "a respectively associated said control unit" in lines 3-4. The Examiner stated that although a control unit was cited in claim 1, the wording of this limitation is unclear.

Claims 2-5 have been cancelled from the application.
Therefore, the rejection by the Examiner is now moot.

It is accordingly believed that the specification and the claims meet the requirements of 35 U.S.C. § 112, first and second paragraphs. Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved. The above-noted changes to the claims are provided solely for cosmetic or clarificatory reasons. The changes are not provided for overcoming the prior art nor for any reason related to the statutory requirements for a patent.

In item 6 on page 3 of the Office action, claims 1-2, 4, and 6-14 have been rejected as fully anticipated by Bodie et al. (U.S. Patent No. 5,518,228) under 35 U.S.C. § 102.

In item 8 on page 6 of the Office action, claims 3 and 5 have been rejected as being obvious over Bodie et al. (U.S. Patent No. 5,518,228) in view of Harada et al. (U.S. Patent No. 5,662,318) under 35 U.S.C. § 103.

The rejections have been noted and the claims have been amended in an effort to even more clearly define the invention of the instant application. The claims are patentable for the

reasons set forth below. Support for the changes is found in the specification of the instant application.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 20 calls for, inter alia:

"a stapling carriage attached to said conveying strand and operatively oscillating in parallel with said conveying strand for running in synchronicity with said conveying strand in the conveying direction within certain time segments"

and

"an ejector adapted for operatively oscillating in parallel with said conveying strand for running in synchronicity with said conveying strand in the conveying direction within certain time segments and for operatively oscillating between said conveying strand and said delivery within a path rectilinear to said conveying strand within certain time segments; and

a plurality of subassembly drives;

at least some of said subassembly drives each including a controllable motor."

The Bodie et al. reference discloses a programmable stitcher, which staples gathered sheets when they are at a standstill.

The reference does not show:

a stapling carriage attached to the conveying strand and operatively oscillating in parallel with the conveying strand for running in synchronicity with the conveying strand in the conveying direction within certain time segments, ...a delivery, an ejector adapted for operatively oscillating in parallel with the conveying strand for running in synchronicity with the conveying strand in the conveying direction within certain time segments and for operatively oscillating between said conveying strand and the delivery within a path rectilinear to said conveying strand within certain time segments, and a plurality of subassembly drives, at least some of the subassembly drives each including a controllable motor, as recited in claim 20 of the instant application.

The Bodie et al. reference does not have the structure as claimed above. The Bodie et al. reference also has a completely different mode of operation, which is a result of the different structure. Contrary to the present invention, the Bodie et al. reference staples gathered sheets when they

are at a standstill, thus the adjustment of cooperating components, which are in motion in relation to each other, is not necessary. Therefore, the Bodie et al. reference does not disclose the structure claimed in the instant application.

Furthermore, Bodie et al. do not suggest the teaching of simultaneously adjusting cooperating components, which are moved by discretely controllable motors. It is applicant's position that in Bodie et al. the motor (122) for driving the pusher (116) is not in operation simultaneously with the motor (118) for driving the input belts (20). Instead, in the Bodie et al. reference, in order to remove the stapled sheets from the accumulation section (14) by the pusher (116), the motor is briefly activated after the sheets have been collected in the accumulation section (14) and the stapling process is finished.

It is noted that the Harada et al. reference does not make up for the deficiencies of the Bodie et al. reference.

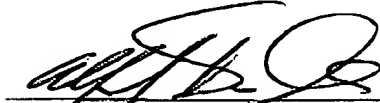
It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 6, 8, 9, 10-12, 14 and 20-25 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner & Greenberg P.A., No. 12-1099.

Respectfully submitted,



For Applicant(s)

Alfred K. Dassler
P - 52,794

AKD:cgm

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Lerner and Greenberg, P.A.
Post Office Box 2480
Hollywood, FL 33022-2480
Tel: (954) 925-1100
Fax: (954) 925-1101

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Marked-up version of the claims:

Claim 6 (amended). The gathering stapler according to claim [1] 23, which comprises a central control device controlling said motor control units [of said controllable motors].

Claim 8 (amended). The gathering stapler according to claim [1] 23, wherein at least one of [the] said motor control units [has] includes a microprocessor.

Claim 10 (amended). The gathering stapler according to claim [1] 23, wherein at least one of said motor control units has a programmable control device for [the respective] said motor of a respective one of said drives.

Claim 11 (amended). The gathering stapler according to claim [10] 23, wherein at least one of said motor control units has an input/output unit for programmable control.

Claim 12 (amended). The gathering stapler according to claim [10] 23, wherein at least one of said motor control units comprises a motor controller and a motor-control end stage.

Claim 14 (amended). The gathering stapler according to claim [1] 10, which further comprises a display device and an

operating panel connected to said at least one motor control unit.